

73999/95804

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appl. of: Jonathan W. Nyce : Group Art Unit: 1643
Serial No.: 09/093,972 : Appl. Ref. No. EPI-072
Filed: June 9, 1998 : Examiner: Janet Epps
For: **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION &
TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH
BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION**

17**TERMINAL DISCLAIMER**

Assistant Commissioner for Patents
Washington, DC 20231

Sir/Madam:

I, Richard R. Eakin, represent that I am a representative authorized to sign on behalf of the assignee for this invention, East Carolina University.

The extent of the assignee's interest is in the whole of this invention, by virtue of the assignment of US Patent Application Serial No. 09/093,972, filed June 9, 1998, by the present inventor to East Carolina University. The Assignment document is being filed herewith, a copy of the Assignment being enclosed herewith.

I have reviewed this Assignment document, and to the best of my knowledge and belief, title to US Patent Application Serial Number 09/093,972 and US Patent Applications Serial Numbers 08/474,497, 08/472,527 and 08/757,024, now U.S. Patent Nos. 5,994,315; 6,040,296 and 6,025,339, is in East Carolina University.

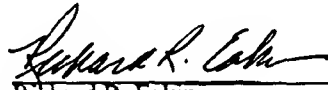
I hereby disclaim the terminal part of any patent granted on the above-identified US Patent Application Serial No. 09/093,972, which would extend beyond the expiration date of the full statutory term, whichever is longest of 20 years from the filing date of the earlier filed application, or 17 years from the date of issuance of, or the expiration date of any Patent Extension Term granted to, or any US Patent which issues from US Patent Applications Serial Nos. 08/757,024, now U.S. Patent No. 6,025,339, 08/474,497, now U.S. Patent No. 5,994,315 and 08/472,527, now U.S. Patent Application Serial No. 6,040,296, relating to the same invention. I hereby agree that any patent so granted shall be enforceable only for and during

73999/95804

PATENT

such period that the legal title to the patent shall be the same as the legal title to US Patent Application Serial No. 08/474,497, now U.S. Patent No. 5,994,315; US Patent Application Serial No. 08/757,024, now U.S. Patent No. 6,025,339 and US Patent Application Serial No. 08/472,527, now U.S. Patent No. 6,040,296. This agreement is to run with any patent granted on the above-identified application and is binding on the grantee of that patent and his successors or assigns.

Enclosed is a check on ARTER & HADDEN LLP's bank account for \$ 55.-, to cover the requisite fee for filing a Statutory Terminal Disclaimer. No further fee is beleived to be owed. However, the Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 01-2520 of any deficiency in fees associated with this communication, including any fees for extensions of time, which, if necessary, are hereby requested.

 /s/
Richard R. Eakin
Chancellor Title
East Carolina University
(Disclaimant)

h:\epi\072\Terminal Disclaimer.doc
400129

EPI-072

Amendment 5/4/00
USSN 09/093,972
Applicant: Jonathan Nyce, EpiGenesis
Appl. Atty: Viviana Amzel, Ph.D. (213) 430-3520

19300

ARTER & HADDEN LLP
DOCKET ACCOUNT
725 S. FIGUEROA ST., NO. 3400 213-430-3000
LOS ANGELES, CA 90017

UNION BANK OF CALIFORNIA

LOS ANGELES MAIN #113
445 S. FIGUEROA ST., LOS ANGELES, CA 90071
800 238 4486

16-49/113
1220

DATE 04/05/00

PAY Fifty-five and xx/00 DOLLARS \$ 55.00

TO
THE
ORDER
OF

Commissioner for Patents & Trademarks

Joseph B. Henderson

⑈019300⑈ ⑆122000496⑆ 0320044863⑈

ARTER & HADDEN LLP

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE FORM WVC-4 V-2

DATE	DESCRIPTION	AMOUNT
04/05/00	Terminal Disclaimer filing fee 73999/95804 Epi-072	\$55.00